



GUIDELINES ON COMPULSORY DISPLACEMENT AND RESETTLEMENT IN USAID PROGRAMMING

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E3/Land

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DEFINITIONS

- Displacement
 - Loss of land or other assets
 - Loss of access to resources
 - Physical & economic
- Resettlement
 - Assist displaced in improving livelihoods and living standards
- Compulsory
 - Logic of project compels displacement
 - No right or genuine ability to refuse
 - Displacement compels resettlement



Two distinct but related processes

MAJOR DONORS WITH A POSITION ON CDR



giz



Australian
AID



— USG POSITION ON CDR



Adopted IFC
Performance
Standards



LESSONS LEARNED

- Impoverishment risks are inherent in displacement (Cernea 2000)
 - Landlessness
 - Homelessness
 - Joblessness
 - Marginalization
 - Food insecurity
 - Increased morbidity and mortality
 - Lack of access to common property resources
 - Loss of access to education
 - Community disarticulation
- Mitigation hierarchy
 1. Avoid displacement
 2. Minimize displacement
 3. Mitigate CDR Risks
- Compensation (especially one-time payment) is inadequate
- Conceive and execute resettlement as a sustainable development program

CDR RISKS FOR USAID

- Types of Risk:
 - Programmatic
 - Reputational
- Sources of Risk:
 - Direct (rare for USAID, outside large infrastructure projects)
 - Indirect (e.g. government partners; innovative initiatives and non-traditional resource partners)



WHEN TO APPLY THE CDR GUIDELINES

- When CDR impacts legitimate landholders
- When legitimate landholders do not have the *right* or *genuine ability* to refuse or the *necessary information* to make a decision
- For all funding arrangements
- To support an Environmental Assessment



A woman stands in a lush green field, wearing a white sari with orange and green patterns and a black shawl with intricate floral embroidery. She has a red bindi on her forehead. In the background, a person stands near a bicycle under a line of trees.

THE GUIDELINES

I: UNDERSTAND THE LEGAL AND INSTITUTIONAL CONTEXT

- Not just about deeds or titles
- National laws often insufficient



- Government often claims legal ownership of land and resources
- 6 out of 30 countries reviewed require public consultation prior to expropriation (Tagliarino, forthcoming)

2: IDENTIFY ALL LEGITIMATE LANDHOLDERS AND RELEVANT RISKS

- Legitimate landholder (or those who live there)



- Identify
- Analyze
- Map
- Prioritize

- Conduct assessment

3: IF PHYSICAL DISPLACEMENT IS UNAVOIDABLE, DEVELOP A RESETTLEMENT ACTION PLAN

- How will impacts be addressed?



- Based on informed and meaningful engagement
- Detail of RAP proportionate to significance of physical displacement

- Analysis of legal & institutional context (Guideline 1)
- Results from assessment (Guideline 2)
- Strategy for informed and meaningful engagement (Guideline 4)
- How will improve living standards and livelihoods (Guideline 5)
- Identify vulnerable groups and applicable standards (Guideline 6)

4: PROMOTE INFORMED AND MEANINGFUL ENGAGEMENT

- Applies to all project phases
- Prepare those affected well in advance



- Avoid elite capture
- Document the engagement process

5: IMPROVE LIVELIHOODS AND LIVING STANDARDS

- Focus on counter-risk strategies
 - not one-time payments
- Risk of landlessness →
- Land-based resettlement
- New land should be equal or better (size, quality, legal status)



6: PROVIDE ADDITIONAL PROTECTIONS TO VULNERABLE GROUPS

- Women at increased risk from loss of networks, social support, and livelihoods



- Free Prior and Informed Consent IF
 - Required by donor partner OR
 - Laws of partner government
- Resettle indigenous people only in exceptional circumstances



WE'RE HERE TO HELP

E3/Land Office

www.usaidlandtenure.net

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[#landmatters](#) [#landrights](#)